

FILED AND ENTERED  
MAR 15 2004

19-04  
 KATHLEEN A MCDONALD, TRUSTEE  
 CHAPTER 13 STANDING TRUSTEE  
 302 E CARSON ST  
 LAS VEGAS NV 89101  
 (702) 386-5968  
 Bar Code #medok

'04 MAR 15 2004

U.S. BK. DIVISION COURT  
PATRICIA GRAY, CLERKUNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

Re: SMITH, RAY A ) BKS-04-10130-LBR  
                     ) Chapter 13  
                     ) Debtor(s)

COREY B BECK ESQ ) Hearing Date: Wed Mar 03, 2004  
 Attorney for Debtor(s) ) Hearing Time: 2:30 PM

## ORDER DISMISSING CASE AND DENIAL OF CONFIRMATION

The Trustee's Opposition to Confirmation of Plan Combined with Trustee's Recommendation of Dismissal filed in the above-captioned matter having come on for hearing, the following parties having appeared:  Trustee  Debtor(s)  Attorney for Debtor(s)  Other \_\_\_\_\_, and said Motion having been considered by this Court, and good cause appearing therefore:

IT IS HEREBY ORDERED that confirmation of the Plan is denied and that the above-captioned proceedings under Chapter 13 be DISMISSED for the following reason(s):

- Debtor(s) failed to appear [11 USC 341(a)]
- Debtor(s) failed to commence Plan payments [11 USC 1326 (a) (1)]
- Plan is not viable (IRS/Mortgage) [11 USC 1322]
- Plan unfairly discriminates against class of general unsecured claims [11 USC 1322 (b) (1)]
- The post-petition payments to secured creditors are delinquent
- The proposed Plan is not feasible as the Debtor(s) lacks sufficient regular income [11 USC 109 (e)]
- Delinquent Plan Payments.
- The Trustee objects to the exemption(s) claimed [B.R. 4000(b)]. As a result of the objection, the proposed Plan fails to meet liquidation value [11 USC 1325 (a) (4)].
- The proposed Plan fails to provide for all of the Debtor's disposable income [11 USC 1325 (b) (1) (3)] based on \_\_\_\_\_ (i.e. luxury item, unreasonable expenses, etc.) and, as a result, the Debtor has failed to file a Plan in good faith [11 USC 1325 (a)]

The debtor has failed to cooperate with the Trustee [11 USC 521 (3)] as the following document(s) were not provided:  
 tax returns  pay stubs  profit & loss statements  other: \_\_\_\_\_

IT IS FURTHER ORDERED that the Trustee is allowed \$ 135 as and for expenses in the administration of this case.

DATED: \_\_\_\_\_

Submitted by:

Kathleen A. McDonald  
 Kathleen A. McDonald, Trustee

  
 UNITED STATES BANKRUPTCY JUDGE

Signed on: MAR 8 2004